

PATENT
Atty. Dkt. No. STL 2797

REMARKS

This Amendment is submitted in response to the Advisory Action dated November 21, 2003, in which the Examiner declined to enter the Amendment submitted by the Applicants in a communication filed October 20, 2003. Reconsideration and Allowance of Claims is requested.

In this Advisory Action, the Examiner states that the thrust plate and counterplate are not recited with sufficient particularity. Therefore the independent claims are amended to move clearly define the location and function of these claim elements. It is submitted that these language change merely express what was already inherent in the claims.

In the Final Office Action, all pending claims 1-9 and 11-18 are rejected under 35 U.S.C. 103A as unpatentable over Oku in view of Moritan and Kunze. This rejection is respectfully traversed.

The examiner first cites U.S. 6,097,121 as disclosing a spindle motor with a shaft, thrust plate and counterplate supported between the upraised arms of the sleeve. The examiner has conceded that Oku does not teach or suggest welding the sleeve and counterplate together.

The examiner next interprets Moritan U.S. 5822846 as teaching that the counterplate 22 is welded to parts of the motor such as the sleeve 27. This is completely incorrect. The portion of Moritan cited by the examiner is as follows:

In order to correspond to this demand in the fixing of the thrust plate to the motor, instead of height-taking configuration of screwing or bolt fastening, more height saving configurations are usually adapted, for instance, caulking, pressing in, bonding by adhesive or welding or integration of the thrust plate with a sleeve metal of the bearing (emphasis added).

In the cited quote, Moritan discusses those methods of attaching a thrust plate to the shaft. As is well known in this art, and is clearly taught by Oku which has been studied and

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cited by the examiner, the thrust plate and counterplate are vastly different. A thrust plate forms a thrust bearing between itself and the sleeve or shaft and counterplate, and is supported from the shaft. Moritan is teaching a method or approach to attaching the thrust plate to the shaft.

In contrast, the counterplate, whose meaning is also clearly taught by Oku, is adjacent the thrust plate and forms a thrust bearing with the thrust plate. Further, contrary to examiner's contentions on Moritan, Moritan does not teach that he is teaching a method of assembly to avoid lubricant leakage. Therefore, the citation of Moritan is completely inappropriate.

The examiner then cites Kunze U.S.P 5,743,015. The examiner argues that Kunze shows a sleeve 4 welded to a plate 1 which according to the examiner may serve as a counterplate (citing the abstract). The applicant has reviewed the abstract of Kunze U.S. 5743015 word-by-word and has not found any teaching of a counterplate therein. Further, applicant has conducted a search of the text of the cited patent and has not found any use of the word counterplate. Kunze does not suggest welding parts together to prevent loss of fluid from a region adjacent the counterplate as claimed herein. Kunze does not teach a motor using a fluid dynamic bearing as claimed, where the weld is used not simply to maintain the position of two parts but prevent loss of fluid through a region closed off by the weld.

In response to the arguments previously made on 4/22/03, examiner for some reason now questions what is the counterplate and where it is located. Counterplates are well known in the art as is taught by the Oku patents studied by the examiner. The patent specification and claims are directed to a person of skill in the art. Therefore, to raise such questions as this is completely inappropriate especially in this stage of the prosecution.

Further, applicant had been using this term throughout the prosecution of the application, and the questions are only raised now while the action is made final. If the examiner is going to pursue such a question, then this must be a non-final action.

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Examiner then argues in detail about the teachings of Moritan and Kunze at page 4 of this office action. However, none of the issues raised by the examiner citing the reference are relevant to the prosecution of this application.

At paragraph 7, the examiner states that the features upon which the applicant relies, that is welding parts together to prevent loss of fluid are not recited in the claims. This is respectfully traversed. The claim 1 specifically states the welded counterplate is adapted to contain fluid within the thrust bearing and the journal bearing. Claim 8 claims means for containing fluid within the thrust bearing. Claim 9 states that the means for containing fluid comprises a counterplate welded to the upraised arms of the sleeve. Claim 11 recites the welded counterplate is adapted to contain fluid within the thrust bearing. Therefore, paragraph 7 is incorrect. However, to speedily conclude prosecution of the application, and to follow-up on a suggestion made in a phone conference on December 5, 2003, the further limitations to the claims are submitted herewith.

In view of these clear distinctions, it is respectfully submitted that this application is in condition for allowance and such action is respectfully requested.



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